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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/997,616 | 11/29/2001 | Ehud Pardo | 13768. 810.77 | 7399 |
| 47973 7590 09/27/2007 WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111 | | | EXAMINER CHOI, PETER H | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-----------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/997,616 | PARDO ET AL. | |
| | Examiner | Art Unit | |
| | Peter Choi | 3623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a **FINAL** office action upon examination of application number 09/997,616. Claims 1-13 are pending in the application and have been examined on the merits discussed below.

Response to Amendment

2. Claims 1 and 11 have been amended.
3. The previous rejection of claims 1-13 raised under 35 U.S.C. 112, first and second paragraph are withdrawn in view of amendments to the claims.

Official Notice

Applicant has attempted to challenge the Examiner's taking of Official Notice.. There are minimum requirements for a challenge to Official Notice:

(a) In general, a challenge, to be proper, must contain adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice

(b) Applicants must seasonably traverse (challenge) the taking of Official Notice as soon as practicable, meaning **the next response following an Office Action in which Official Notice is raised**. If an applicant fails to seasonably traverse the Official Notice during examination, his right to challenge the Official Notice is waived.

Applicant has not provided adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Therefore, the presentation of a reference to substantiate the Official Notice is not deemed necessary. The Examiner's taking of Official Notice has been maintained.

Bald statements such as, "the Examiner has not provided proof that this element is well known" or "applicant disagrees with the Examiner's taking of Official Notice and hereby requests evidence in support thereof", are not adequate and do not shift the burden to the Examiner to provide evidence in support of the Official Notice.

As a result of the untimely and improperly challenged Official Notice, per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

- It is old and well known in the art to associated appointments by customer
- It is old and well known in the art to associated blocks of time with the job scheduled to be performed during said block of time
- It is old and well known in the art to assign different priorities to resources
- It is old and well known in the art to conserve valuable and scarce resources by substituting less valuable and more plentiful resources

In the previous Office Action mailed April 19, 2007, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

- It is old and well known in the art to eliminate infeasible proposals, such as those who cannot be fulfilled by available resources

Response to Arguments

4. Applicant's arguments filed July 19, 2007 have been fully considered but they are not persuasive.

Applicant argues that, in Wetzer, selecting the proposal occurs after the resource plan has been optimized as opposed to the claimed invention where the proposal are revised in response to selecting the proposal.

The Examiner respectfully disagrees. Wetzer teaches the step of developing a plan (developing a preliminary resource plan 24 for the maintenance tasks to be performed within said specified time window based on the resource requirements, resource availability, and costs), then optimizing said plan according to a plurality of rules and constraints (optimizing the preliminary resource plan 26) [Paragraph 16]. Thus, the Examiner asserts that Wetzer does indeed teach the step of revising

(optimizing) a proposal in response to its selection (of the preliminary plan), meeting the limitation of the claim.

Applicant argues that Kocur does not teach having a multitude of proposals (with overlapping resources) available to do a job, because, in Kocur, the workers have already been assigned and one worker can only do one job at a time.

The Examiner respectfully disagrees. Kocur teaches the step of building a graph that “links a work-project data record to its associated work-project node and the worker data record to the worker node, and further links work-project nodes with worker nodes, representing workers eligible to perform the work-project. That is, it [the graph] links all work projects to each eligible worker” [Column 6, lines 17-29]. Thus, each worker can be assigned to one of a plurality of work-projects (i.e., a multiple of proposals for assigning a worker to do a job), meeting the limitation of the claim.

Applicant further argues that, in Kocur, there would be no change in resources due to making the appointment and therefore no need to revise the proposal, whereas the claimed invention does not allocate resources until an appointment is actually chosen, therefore when the appointment is chosen, there will necessarily be a change in the available resources.

The Examiner respectfully disagrees. Kocur also teaches a second processing step after a first plan (initial plan for the day) is created, where new input data is received into the system, which may be in the form of a new work-project to be accomplished, the completion of work-projects, or changes in worker availability. In process block 107, the linear programming graph is modified to reflect these changes, and in information processing block 108, an updated dispatch plan is created reflecting the changes [Figure 1, Column 6, lines 52-62]. Thus, after creating an initial plan, the availability of resources is updated, which leads to an updated dispatch plan reflecting said changes. Thus, the Examiner deems Kocur to indeed teach the step of revising proposals based on the (un)availability of resources, meeting the limitation of the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzer et al. (PGPub 2004/0162811) in view of Kocur (US Patent #5,913,201).

As per claim 1, Wetzer et al. teaches a method for scheduling appointments to do a job, comprising the steps of:

(a) receiving operator input specifying each service and a time dependency of each service needed to perform the job **(establish a maintenance task database comprising a description of maintenance tasks to be performed within a specified time window for the end item based on the configuration; determining the resource requirements for each maintenance task in the maintenance task database. These resource requirements include at least one of labor, materials, tools, facilities, end item location, task precedence with respect to other tasks, and time span for the task)** [Paragraphs 21, 23];

(b) receiving operator input specifying a time availability of each resource that can be used to perform each service needed to perform the job **(determining the expected resources available 18 for the specified time window; determining the resource requirements for each maintenance task in the maintenance task database. These resource requirements include at least one of labor, materials, tools, facilities, end item location, task precedence with respect to other tasks, and time span for the task. These resource requirements may be defined by the component manufacturers or determined by past practice, or determined by other known means. The labor requirements include not only the hours of labor required but as well as the skill specialty required and any necessary certification of the technician required to perform the maintenance task)** [Paragraphs 16, 23];

(c) at a time before the appointment to do a job is actually scheduled **{prior to the optimization of the development plan}**, automatically creating a plurality of proposals that specify when the job might be scheduled during a defined time period

(step 24 includes developing a preliminary resource plan for the maintenance task to be performed within a specified time window; the steps of Developing Resource Plan 24 and Optimize Resource Plan 26 are performed prior to Creating Allocation Assignments 28 and Create work Orders 32), as a function of each service specified by an operator, and the time dependency of each service specified by an operator (the resource plan is based on the resource requirements, resource availability , maintenance execution status, and cost models), the plurality of proposals being created as a function of the time availability of each resource that can be used to perform each service needed to perform the job specified by an operator (the system can have a complete picture of all the resources required for those tasks, the resources that are available to perform those tasks, the cost for those tasks as well as all of the constraint and other rules imposed by the business organization and then develop a plan and optimize that plan dynamically and on a regular basis), each proposal indicating a time instance at which the job can be initiated during the defined time period (the system may then provide the user with the option to select which time window during which to perform the first task {suggesting that multiple acceptable time windows have been identified})

[Paragraphs 30-35, Figure 1];

(d) receiving input specifying a desired time for starting the appointment to do a job **(optimizers will be customized for a specific company's preferences, and may allow human intervention to develop an optimized plan. For example, one such opportunity for selecting an option of between different plans may involve**

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the task precedence requirements. If a first task requires the completion of a second task before performing the first task, the system may identify several time windows within which the second task has already been planned. The system may then provide the user with the option to select which time window during which to perform the first task) [Paragraph 33];

(e) **based upon the desired time for starting the job (the system may then provide the user with the option to select which time window during which to perform the first task), selecting one of the plurality of proposals that was created, to make an appointment for doing the job {allowing the user to select the time window during which to perform the first job in developing an optimized plan leads to the ultimate selection of the optimal plan} [Paragraph 33];**

(f) **associating the corresponding resources required for the selected proposal with the appointment and identifying the resources as being unavailable (After optimizing the resource plan, the next step 28 is to create allocation transactions or assignments. The allocation transactions are created to assign the resources to the specific end item for the specific maintenance task during the specific time window. Preferably the allocation transaction also initiates another step 32 for generating work orders. The work orders preferably include detailed instructions to a maintenance technician of a maintenance task to be performed, when it is to be performed, and all the resources that have been allocated to complete the task) [Paragraph 34]; and**

(g) automatically **{software tools are used to perform the optimization; computer software automates the optimization process}** revising the plurality of proposals in response to said one of the plurality of proposals being selected to make an appointment for doing the job **(After the preliminary resource plan is developed, the next step 26 is to optimize that resource plan. The optimization may come up with alternatives that require human intervention to select specific options that are desired, which will then cause the optimizer to reiterate back to the resource planning tools to re-execute the schedules)** [Paragraphs 31-32].

While Wetzer et al. provides software tools, it does not explicitly disclose that said software tools are used in automatic revision of proposals. However, it was known at the time of the invention that merely providing an automated way to replace a well-known activity which accomplishes the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Furthermore, it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. *In re Venner*, 120 USPQ 192.

Further regarding (g), Wetzer et al. does not explicitly teach the step of revising proposals for which resources are no longer available due to making the appointment for doing the job. However, Kocur teaches the step of updating plans based on updated availability of resources **(New inputs dictate that an updated plan be created. This**

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new input may be in the form of a new work-project to be accomplished, the completion of work-projects, or changes in worker availability. An updated dispatch plan is created, reflecting the changes) [Column 6, lines 54-62].

Both Wetzer et al. and Kocur are directed towards work scheduling based on resource availability. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Wetzer et al. to include the step of recalculating job times while taking into account changing availability of resources, because doing so allows Wetzer et al. to efficiently and effectively schedule job appointments by examining and reexamining the requirements of diverse assignments and properly and efficiently scheduling available resources whose availability is dynamic, resulting in the optimizing of the deployment of resources for tasks in a specified time window based on resource requirements and resource availability, which is a goal of Wetzer et al. [abstract].

Further regarding (g), although Wetzer et al. teaches the step of creating multiple candidate models for scheduling a job {the optimization process is reiterative and thus contains a plurality of candidate models until obtaining an optimal solution} [Paragraph 31], Wetzer et al. does not explicitly teach the step of eliminating any proposals that cannot be revised due to resources no longer being available. Kocur teaches the step of considering updated resource availability but does not explicitly teach the step of eliminating proposals for which job times cannot be recalculated. However, it has been

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admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the art to eliminate infeasible proposals, such as those who cannot be fulfilled by available resources. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Wetzer et al. in view of Kocur to include the step of eliminating any proposals for which job times cannot be recalculated, because doing so results in Wetzer et al. only considering feasible proposals, further resulting in efficient and effective scheduling of job appointments by examining and reexamining the requirements of diverse assignments and properly and efficiently scheduling available resources whose availability is dynamic, resulting in the optimizing of the deployment of resources for tasks in a specified time window based on resource requirements and resource availability, which is a goal of Wetzer et al. [abstract].

As per claim 2, although neither Wetzer et al. nor Kocur does not explicitly teach the method of claim 1, further comprising the step of associating the proposal with a customer for whom the job is to be done.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the art to associate appointments by customer. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Wetzer et al. to include the step of associating proposals with customers, because the resulting combination would enable

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the service provider to provide personalized service to the scheduled customer, rely upon previous historical experiences with said customer to become familiarized with required work during the scheduled appointment, and provide contact and billing information for services rendered to said customer, resulting in the optimizing of the deployment of resources for tasks in a specified time window based on resource requirements and resource availability, which is a goal of Wetzer et al. [abstract].

As per claim 3, Wetzer et al. teaches the method of claim 1, wherein the step of automatically creating the plurality of proposals comprises the steps of automatically searching each of the services needed to perform the job to identify an availability of each block of time that is:

(a) sufficient in duration to perform the service **(the time span required for each maintenance task may relate to the task precedence with respect to other tasks and may relate to the sequence in which tasks are performed {i.e., is there enough time to perform each maintenance task in the time span})** [Paragraph 26]; and

(b) for which resources required to perform the service are available **(determine the resource available for a specified time window)** [Paragraph 27].

As per claim 4, Wetzer et al. does not explicitly teach the method of claim 3, further comprising the step of associating a job identification with each block of time that is thus identified.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the art to associate blocks of time with the job scheduled to be performed during said block of time. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Wetzer et al. to include the step of associating blocks of time with scheduled jobs, because the resulting combination enables service providers to account for scheduled work and avoid overbooking of resources (for example, assigning a machine to perform two jobs at once, or assigning an employee to service multiple widgets at the same time, or to schedule an employee while they are unavailable) , resulting in the optimizing of the deployment of resources for tasks in a specified time window based on resource requirements and resource availability, which is a goal of Wetzer et al. [abstract].

As per claim 5, Wetzer et al. teaches the method of claim 3, further comprising the step of splitting a block of time into pieces, to define a proposal having a split time interval in which the job can be performed **(If a first task requires the completion of a second task before performing the first task, the system may identify several time windows within which the second task has already been planned)** [Paragraph 33].

As per claim 6, Wetzer et al. does not explicitly teach the method of claim 1, further comprising the step of receiving operator input assigning different priorities to at

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least some of the resources, so that a resource assigned a lower priority is used prior to a resource assigned a higher priority, when selecting said one of the plurality of proposals to schedule the appointment.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the art to assign different priorities to resources. It has also been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the art to conserve valuable and scarce resources by substituting less valuable and more plentiful resources. It would have been obvious to one of ordinary skill in the art to modify the teachings of Wetzer et al. to include the step of assigning different priorities to resources, because the resulting combination would enable that said resources are managed effectively to meet the demands of different users with different priorities by avoiding monopolization of resources and resource starvation while conserving scarce and valuable/important resources (higher priority resources) by substituting less valuable and more plentiful resources (lower priority resources) for earlier consumption, resulting in the optimizing of the deployment of resources for tasks in a specified time window based on resource requirements and resource availability, which is a goal of Wetzer et al. [abstract].

As per claim 8, Wetzer et al. teaches the method of claim 1, wherein the step of selecting one of the plurality of proposals comprises the step of balancing usage of the

resources that can be used to perform the services needed to perform the job **(the availability of the end item during a specific time window is a planning constraint that must be balanced between the operational demands the assets and the need for the maintenance activity)** [Paragraph 27].

As per claim 9, Wetzer et al. teaches the method of claim 1, wherein the a plurality of the services needed to perform the job are carried out sequentially, with a first service being completed before a second service can be begun **(the time span required for each maintenance task will relate to the task precedence with respect to other tasks and this includes the relationship between waiting for the completion of one task before being able to start a second task)** [Paragraph 26].

As per claim 10, Wetzer et al. teaches the method of claim 1, wherein a plurality of the services needed to perform the job are carried out in parallel, with a first service being completed while a second service is also being done **(the time span required for each maintenance task will relate to the task precedence with respect to other tasks and this includes whether the tasks may be completed concurrently)** [Paragraph 26].

As per claim 11, Wetzer et al. teaches the method of claim 1, wherein the step of automatically creating the plurality of proposals is completed at a time before the step of automatically selecting is carried out **{resource plans are developed (step 24) and**

optimized (step 26) prior to the creation of allocation assignments (step 30) and work orders (step 32). Until the optimized resource plan is developed, the reiterative optimization process yields a plurality of proposals. The optimization process then automatically selects the optimal proposal to schedule the job}
[Figure 1, Paragraph 16].

As per claim 12, Wetzter et al. teaches the method of claim 1, further comprising the step of repeating steps (a) through (b) for each of a plurality of additional jobs, thereby scheduling appointments for the additional jobs **(identifying newly discovered maintenance tasks required to be performed within the specified time window, updating the resource plan and creating additional allocation transactions; identifying newly discovered maintenance tasks required to be performed within the specified time window, determining the additional resources required for the newly discovered maintenance tasks, updating the optimization of the resource deployment incorporating the additional resources required, and creating additional allocation transactions)** [Claims 6, 13].

7. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzter et al. in view of Kocur as applied to claim 1 above, and further in view of Crici et al. (PGPub 2005/0027580).

As per claim 7, although not explicitly taught by Wetzer et al. or Kocur, Crici et al. teaches the method of claim 1, wherein the step of specifying the time availability of each resource includes the step specifying any block of time in which a resource is unavailable to perform a service during the defined time period **(The physician can block out periods of time for which no appointments can be scheduled; The system provides the service provider with the ability to continually modify the appointment schedule in order to block out additional slots of time or to make time slots available; The service providers can change the appointment schedules in any way desired, for example, to block out days or sections of time when they are not available)** [Paragraphs 7, 16].

Wetzer et al., Kocur and Crici et al. are all directed towards scheduling services; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Wetzer et al. and Kocur to include the step of specifying blocks of time in which resources are unavailable because the resulting combination would enable users to assess the best time to be serviced by identifying time blocks in which resources are available, further enabling Wetzer et al. to accomplish its goal of determining the expected resources available for a specified time window as part of the process of scheduling tasks [Paragraph 16].

As per claim 13, although not explicitly taught by Wetzer et al. or Kocur, Crici et al. teaches the method of claim 1, further comprising the step of receiving input

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instructing an appointment to be canceled, and in response thereto, automatically revising the plurality of proposals, to accommodate changes in the time availability of resources that were previously required to perform said one of the plurality of proposals corresponding to the appointment that was canceled, making the resources available for other appointments **(allow a potential service receiver to indicate a preference for a time slot which is already reserved and, if that time slot subsequently becomes available prior to the appointment, for example, due to a cancellation, the second service receiver is notified)** [Paragraph 12].

Wetzer et al., Kocur and Crici et al. are all directed towards scheduling services; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Wetzer et al. and Kocur to include the step of enabling appointment cancellation because the resulting combination would make the corresponding time blocks available for scheduled service by prospective customers, further enabling Wetzer et al. to establish the maintenance task database of tasks to be performed within a specified time window, and determine the expected resources available for a specified time window as part of the process of scheduling tasks [Paragraph 16], and optimize the deployment of resources for tasks in a specified time window based on resource requirements and resource availability, which is a goal of Wetzer et al. [abstract].

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murphy et al. (US Patent #6,529,877) teaches an equipment allocation system that updates information on the availability of resources when one of a plurality of installation proposals is selected.

Sisley et al. (US Patents #5,943,652, #5,737,728, and #5,467,268) teaches a resource assignment and scheduling system featuring a technician calendar that is updated to indicate times at which the technician is unavailable due to vacation, sick days, or other appointments.

Lesaint et al. (US Patent #6,578,005) teaches a method and apparatus for resource allocation when schedule changes are incorporated in real time. A database is updated by recording the start of the period of absence of a technician, the technician's next expected contact time is updated to be the scheduled end of the absence, and the technician's location is updated to be that of the absence.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

September 18, 2007


ROMAIN JEANTY
Primary Examiner
Art Unit 3623